

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:02-CR-10-KAC-DCP
)	
CHARLES A. LEQUIRE,)	
)	
Defendant.)	

**ORDER GRANTING MOTION FOR DISMISSAL OF PROCEEDINGS WITHOUT
PREJUDICE**

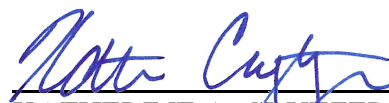
This criminal case is before the Court on Defendant's "Motion for Counsel or in the Alternative a Motion for Dismissal of 3582 Proceedings Without Prejudice" [Doc. 125] and "Motion to Stay or Clarify" [Doc. 124]. For the reasons that follow, the Court **GRANTS IN PART** and **DENIES IN PART** Defendant's "Motion for Counsel or in the Alternative a Motion for Dismissal of 3582 Proceedings Without Prejudice" [Doc. 125] and **DENIES** as **MOOT** Defendant's "Motion to Stay or Clarify" [Doc. 124].

On October 26, 2021, Defendant filed a "Motion for Appointment of Counsel" [Doc. 111], in which he "request[ed] this Honorable Court appoint Counsel so that a complete and thorough [Section] 3582 motion can be laid before the Court" [*Id.* at 2]. That same day, Defendant filed a "Request for (3582) Compassionate Release" [Doc. 113], in which he requested "a release or reduction" in light of "extraordinary and compelling reasons" [*Id.* at 1]. Under Standing Order 21-09, the Court appointed the Federal Defender Services of Eastern Tennessee ("FDSET") to represent Defendant. *See* Standing Order 21-09 ("[FDSET] is appointed to represent each defendant who files a pro se motion under section 3582(c)(1)(A), who requests counsel for filing such a motion, or who contacts FDSET about filing such a motion."). On December 8, 2021,

FDSET made an appearance in this case on behalf of Defendant [Doc. 118]. An attorney at FDSET indicated that he had “reviewed [Defendant’s relevant documents] for relief eligibility” and that “no additional pleadings will be filed at this time” [*Id.*]. On December 15, 2021, this Court denied as moot Defendant’s “Motion for Appointment of Counsel” [Doc. 111], noting that “FDSET has specifically been appointed to represent Defendant” [Doc. 119].

On January 24 and 25, 2022, Defendant filed the motions at issue. First, Defendant requested that the Court “stay any motion filed by the Federal Defender’s Office” and “clarify [his] current situation” [Doc. 124 at 2]. Second, Defendant requested that the Court either appoint counsel or allow Defendant “to voluntarily withdraw without prejudice so that [he] might seek out some avenue to refile a complete [Section] 3582 [motion] at a later date” [Doc. 125 at 6]. It appears from the record that Defendant wishes to withdraw his prior motion for compassionate release under 18 U.S.C. § 3582 in this case and proceed, if at all, at a later date.¹ The Court will grant his request. As counsel has already been appointed for Defendant, the Court **DENIES** Defendant’s motion to appoint counsel [*Id.*]. However, the Court **GRANTS** Defendant’s motion for “Dismissal of 3582 Proceedings Without Prejudice” [*Id.*]. Accordingly, the Court **DENIES** Defendant’s “Request for (3582) Compassionate Release” [Doc. 113]. Defendant may file a new motion under 18 U.S.C. § 3582 at the appropriate time, following the appropriate procedure. Given the Court’s ruling on these matters, the Court **DENIES** Defendant’s “Motion to Stay or Clarify” [Doc. 124] as **MOOT**.

IT IS SO ORDERED.


KATHERINE A. CRYTZER
United States District Judge

¹ The Court notes that Defendant has a pending “Motion for Compassionate Release” [Doc. 53] in case number 3:02-CR-26.